



# Prison Act (Northern Ireland) 1953

## 1953 CHAPTER 18

### CONFINEMENT AND TREATMENT OF PRISONERS

#### 15 Place of confinement of prisoners.

- (1) A prisoner sentenced by any court or committed to a prison on remand or pending trial or otherwise may, notwithstanding anything to the contrary in any other enactment, be lawfully confined in any prison provided or maintained by the [<sup>F1</sup>Department].
- (2) Prisoners shall be committed to such prison as the [<sup>F1</sup>Department] may from time to time direct; and may during the term of their imprisonment be removed, by direction of the [<sup>F1</sup>Department], from the prison in which they are confined to any other prison.

**F1** Word in s. 15 substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 6(1), [Sch. 4 para. 2\(3\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

#### [<sup>F2</sup>15A Detention in the custody of a constable where admission to prison not practicable

Where—

- (a) a person is in the custody of a constable;
- (b) it is the duty of the constable to take that person to a prison in which his detention is authorised by law; and
- (c) it is for any reason not practicable to secure the admission of that person to that prison,

that person may lawfully be detained in the custody of a constable until such time as he can be admitted to that prison or is required to appear before a court.]

**F2** [2004 NI 5](#)

*Changes to legislation: There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953. (See end of Document for details)*

## 16<sup>F3</sup> Removal of prisoners for judicial and other purposes.

- (1) The [<sup>F4</sup>Department] may, if it is satisfied that the attendance at any place of a person detained in a prison is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place.
- (2) The [<sup>F4</sup>Department] may, if it is satisfied that a person so detained requires [<sup>F5</sup> medical investigation or observation or] medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purposes of the [<sup>F5</sup> investigation, observation or] treatment.
- (3) Where any person is directed under this section to be taken to any place he shall, unless the [<sup>F4</sup>Department] otherwise directs, be deemed to be in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.
- (4) A person taken from a prison for [<sup>F5</sup> medical investigation or observation or] medical or surgical treatment under sub-section (2) of this section may by direction of the [<sup>F4</sup>Department], but not otherwise, be discharged on the expiration of his sentence without necessitating his return to prison.
- (5) In this section “hospital” has the same meaning as in the Health Services Act (Northern Ireland), 1948<sup>F6</sup>.

*Subs. (6) rep. in pt. by 1961 c. 15 (NI), residue spent*

**F3** 1980 NI 3

**F4** Word in s. 16 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), **Sch. 4 para. 2(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F5** 1986 NI 15

**F6** 1971 c. 1 (NI), see now 1972 NI 14

*S. 17 rep. by 1980 NI 10*

## 18 Lawful custody of prisoner.

- (1) Every prisoner sentenced by any court to imprisonment ...<sup>F7</sup> [<sup>F8</sup>, or ordered to be detained in a young offenders centre] or committed to a prison on remand or pending trial or sentence or otherwise shall be deemed to be in the lawful custody of the governor of the prison in which he is detained.
- (2) A prisoner shall be deemed to be in lawful custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison or while he is temporarily detained, pending trial or sentence, in any lock-up [<sup>F9</sup> and while he is being taken to any place to which he is required or authorised by or under this Act or the Treatment of Offenders Act (Northern Ireland) 1968 to be taken, or is kept in custody subject to and in accordance with any such requirement or authorisation].

**F7** 1968 c. 29 (NI); 1980 NI 10

**F8** 1968 c. 29 (NI)

**F9** 1968 c. 29 (NI)

*Changes to legislation: There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953. (See end of Document for details)*

## 19 Right of justice of the peace to visit prisons.

<sup>F10</sup> .....

**F10** S. 19 repealed (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 74, 102(2), Sch. 6 Pt. 3; S.R. 2008/293, art. 2, Sch.

### [<sup>F11</sup>19A Testing prisoners for alcohol

- (1) If an authorisation is in force for the prison, any designated prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether he has alcohol in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) shall include power—
  - (a) to require a prisoner to provide a sample of breath, whether instead of or in addition to a sample of urine, and
  - (b) to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine, a sample of breath or both.
- (3) In this section—
  - “authorisation” means an authorisation by the [<sup>F12</sup>Department];
  - “intimate sample” has the same meaning as in Part VI of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12);
  - “designated prison officer”, in relation to any prison, means a person appointed under section 2(2) who has been designated for the purposes of this section by the governor of the prison.]

**F11** 2004 NI 5

**F12** Word in s. 19A substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), Sch. 4 para. 2(5) (with arts. 28-31); S.I. 2010/977, art. 1(2)

### [<sup>F13</sup>19B Testing prisoners for drugs

- (1) If an authorisation is in force for the prison, any designated prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.
- (3) In this section—
  - “authorisation” means an authorisation by the [<sup>F14</sup>Department];
  - “drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 (c. 38);

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**Changes to legislation:** *There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953. (See end of Document for details)*

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“designated prison officer”, in relation to a prison, means a person appointed under section 2(2) who has been designated for the purposes of this section by the governor of the prison.]

**F13** 2004 NI 5

**F14** Word in s. 19B substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), **Sch. 4 para. 2(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953.